



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
ASHLAND RESOURCE AREA  
3040 Biddle Road  
Medford, Oregon 97504



**Maka Oyate Sundance  
Native American Religious Ceremony**

**DECISION RECORD**

and

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**INTRODUCTION**

This Decision Record documents my decision and rationale for the selection of a course of action to be implemented for the authorization to use Bureau of Land Management (BLM) lands near Pilot Rock for conducting an annual Maka Oyate Sundance Native American religious ceremony. The Environmental Assessment (EA) for the Maka Oyate Sundance Native American religious ceremony documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of the authorization.

The Ashland Resource Area of the Medford District BLM proposes to issue a three-year, renewable authorization to use BLM lands for the Maka Oyate Sundance Native American religious ceremony. The proposed authorized area encompasses approximately 580 acres north of Pilot Rock in T. 40 S., R. 2 E., Section 25 and T. 40 S. R. 3 E., Section 30, W.M. on BLM lands within the Cascade-Siskiyou National Monument (CSNM). The ceremony occurs during the summer over a two to three week period and is attended by 300-500 people.

The Native American religious ceremony would be accommodated with specific measures (special conditions) to protect monument resources and adjacent landowners. The authorization would be issued under Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1761) subject to the terms and conditions in 43 CFR 2920.

Two alternatives were considered and analyzed in detail: a No-Action Alternative and the Proposed Action. A detailed description of No Action and BLM's Proposed Action are contained in the Maka Oyate Sundance Native American Religious Ceremony EA, Chapter 2, Alternatives Including the Proposed Action. In addition, a number of other alternatives were considered and included in the EA, but not analyzed in detail.

## DECISION AND RATIONALE

It is my decision to authorize the implementation of the Proposed Action as described in the Maka Oyate Sundance Native American Religious Ceremony EA, because I believe it best meets the purpose and need as identified in Maka Oyate Sundance Native American Religious Ceremony Environmental Assessment (No. OR114-07-01) with acceptable physical, biological, and human environmental consequences.

My decision to implement the Proposed Action issues a three-year, renewable authorization to use BLM lands for the Maka Oyate Sundance Native American religious ceremony. The authorized area encompasses 580 acres of BLM lands within the CSNM. The ceremony occurs during the summer over a two to three week period and is attended by 300-500 people. To facilitate the ceremony, the group builds sweat lodges and arbors which remain in place.

The Native American religious ceremony would be accommodated with specific measures (special conditions) to protect monument resources and adjacent landowners. Mandatory and special conditions are included in the EA under the description of Alternative 2 (Proposed Action) on pages 7-10. These mandatory and special conditions are required as part of this decision. The authorization will be issued under Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1761) subject to the terms and conditions in 43 CFR 2920.

## PLAN CONSISTENCY

The above project has been reviewed and found to be in conformance with and tiered to the 1995 *Medford District Record of Decision and Resource Management Plan*<sup>1</sup>, as amended by the *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (USDI, USDA 2001)<sup>2</sup> and by the *Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests within the Range of the Northern Spotted Owl to Clarify Provisions Relating to the Aquatic Conservation Strategy*<sup>3</sup>. The Medford District Resource Management Plan incorporated the *Record of Decision and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (NWFP)<sup>4</sup>. These documents are available at the Medford BLM office and the Medford BLM.

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<sup>1</sup> U.S. Department of the Interior, Bureau of Land Management, Medford District Office. 1995. *Medford District Record of Decision and Resource Management Plan*. Medford, OR.

<sup>2</sup> U.S. Department of Agriculture, Forest Service and U. S. Department of the Interior, Bureau of Land Management. 2001. *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*. Portland, OR.

<sup>3</sup> U.S. Department of Agriculture, Forest Service and U.S. Department of the Interior, Bureau of Land Management. 2004. *Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests within the Range of the Northern Spotted Owl to Clarify Provisions Relating to the Aquatic Conservation Strategy*. Portland, OR.

<sup>4</sup> U.S. Department of Agriculture, Forest Service and U.S. Department of the Interior, Bureau of Land Management. 1994. *Record of Decision (ROD) for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*. Portland, OR.

The Bureau of Land Management (BLM) is aware of the August 1, 2005, U.S. District Court order in *Northwest Ecosystem Alliance et al. v. Rey et al.* which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. Subsequently in that case, on January 9, 2006, the Court ordered:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstate the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The proposed action and alternatives are in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

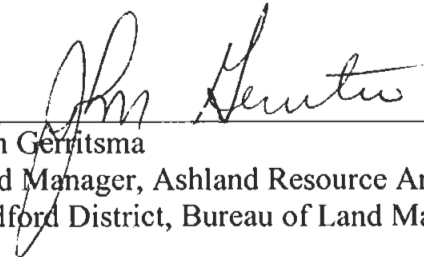
#### **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

I have considered both context and intensity of the impacts anticipated from the authorized use of BLM lands for conducting the Maka Oyate Sundance Native American religious ceremony relative to each of the ten significance criteria suggested by the CEQ. I have determined that my decision to implement the Proposed Action as described in this decision and in Alternative 2, the Proposed Action of the Maka Oyate Sundance Native American Religious Ceremony EA, will not have any additional significant adverse effects beyond those effects described in broader analyses which includes the *2005 Cascade-Siskiyou National Monument Proposed Management Plan/Final Environmental Impact Statement*, *1994 Medford District Proposed Resource Management Plan/Environmental Impact Statement*, *1994 Final SEIS On Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, *2001 Final Supplemental Environmental Impact Statement For Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, and the *2004 Final SEIS Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan National Forests and Bureau of Land Management Districts within the Range of the Northern Spotted Owl* or the effects have been determined to be insignificant. This decision is effective immediately.

#### **ADMINISTRATIVE REMEDIES**

Any party to a case who believes they may be adversely affected by a decision of an officer of the Bureau of Land Management has the right to appeal to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, Board of Land Appeals (Board), in accordance with the regulations contained in 43 CFR part 4. If an appeal is taken, a notice of appeal must be filed in this office within thirty (30) days of the Notice of Decision for transmittal to the Board. If your notice of appeal does not include a statement of reasons, such statement

must be filed with the Board within 30 days after the notice of appeal was filed. A copy of your notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 500 N.E. Multnomah Street, Suite 607, Portland, Oregon 97232. In taking an appeal, there must be strict compliance with the regulations.

  
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John Gerritsma  
Field Manager, Ashland Resource Area  
Medford District, Bureau of Land Management

7/2/07  
Date